

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

DEBORAH MONTGOMERY, and  
individual

Plaintiff,

v.

TOYOTA MOTOR SALES, U.S.A.,  
INC., a California Corporation; and  
DOES 1-10, inclusive,

Defendants.

Case No. 2:24-cv-06794-WLH-JCx

**ORDER RE PLAINTIFF'S  
MOTIONS TO FILE FIRST  
AMENDED COMPLAINT [15] AND  
MOTION FOR REMAND [14]**

**JS-6**

Before the Court is Plaintiff's Motion for Leave to File First Amended Complaint (Docket No. 15) and Motion for Remand. (Docket No. 14). No party filed a written request for oral argument stating that an attorney with five years or less of experience would be arguing the matter. (See Standing Order, Docket No. 22 at 16). Further, pursuant to Federal Rule of Civil Procedure 78 and Local Rule 7-15, the Court finds this matter appropriate for decision without oral argument. The hearing calendared for October 4, 2024, is **VACATED**, and the matter taken off calendar. For the reasons below, the Plaintiff's Motions are **GRANTED**.

1 **I. BACKGROUND**

2 This is a consumer warranty case. Plaintiff Deborah Montgomery originally  
3 filed this case against Defendant Toyota Motor Sales USA (“Toyota”) in California  
4 Superior Court on July 2, 2024. (Mot. for Leave to File First Am. Compl. (“Mot. for  
5 Leave”), Docket No. 15). Plaintiff’s original complaint alleged causes of actions  
6 under California’s Song-Beverly Consumer Warranty Act (“SBCWA”) and the  
7 federal Magnuson-Moss Warranty Act (“MMWA”). (*See Id.* at 15-16.). On August  
8 12, 2024, Toyota noticed removal of the action based on federal subject matter  
9 jurisdiction. (*Id.* at 6).

10 Less than three weeks after the removal, Plaintiff filed the present motions for  
11 leave to amend her complaint and for an order remanding the case to state court.  
12 (Docket Nos. 14, 15). Plaintiff’s Proposed FAC omits the federal MMWA claims and  
13 retains only the state SBCWA claims. (Exhibit A to Mot. for Leave (“Proposed  
14 FAC”), Docket No. 22).

15 **II. DISCUSSION**

16 **A. Rule 15 Amendment**

17 Generally, a court considers a motion for leave to amend pleadings pursuant to  
18 the permissive standard of Federal Rule of Civil Procedure 15(a) (“Rule 15(a)").  
19 *Eminence Capital, L.L.C. v. Aspeon, Inc.*, 316 F.3d 1048, 1051 (9th Cir. 2003). Rule  
20 15 provides that leave to amend “shall be freely given when justice so requires.” Fed.  
21 R. Civ. P. 15(a). Leave to amend should only be denied where there is “undue delay,  
22 bad faith or dilatory motive on the part of the movant, repeated failure to cure  
23 deficiencies by amendments previously allowed, undue prejudice to the opposing  
24 party by virtue of allowance of the amendment, [or] futility of amendment.” *Foman v.*  
25 *Davis*, 371 U.S. 178, 182 (1962).

26 Given the liberal policy regarding Rule 15 amendment, the early stage of  
27 litigation, and the fact that Plaintiff filed the present motions without undue delay, the  
28 Court GRANTS the Plaintiff’s motion to file a First Amended Complaint. *See Molina*

1 *v. Rite Aid*, 2019 WL 121194, at \*1 (C.D. Cal. Jan. 7, 2019) (granting leave to amend  
2 in similar matter). The Court further accepts the Proposed FAC (Docket No. 22) as  
3 the First Amended Complaint.

4 **B. Supplemental Jurisdiction and Remand**

5 Under 28 U.S.C. § 1367(a), a district court that has original jurisdiction over a  
6 claim “shall have supplemental jurisdiction over all other claims that are so related to  
7 claims in the action within such original jurisdiction that they form part of the same  
8 case or controversy.” A district court, however, is within its discretion to decline  
9 exercising supplemental jurisdiction where “the district court has dismissed all claims  
10 over which it has original jurisdiction” or “there are other compelling reasons for  
11 declining jurisdiction.” 28 U.S.C. § 1367(c)(3)-(4).

12 A plaintiff may not “compel remand by amending a complaint to eliminate the  
13 federal question upon which removal was based.” *Sparta Surgical Corp. v. Nat’l Ass’n*  
14 *of Sec. Dealers, Inc.*, 159 F.3d 1209, 1213 (9th Cir. 1998) (emphasis added)  
15 (abrogated on other grounds). The Supreme Court, however, has clarified that district  
16 courts have *discretion* to remand cases where only state law claims remain. *Carnegie-*  
17 *Mellon Univ. v. Cohill*, 484 U.S. 343, 357 (1988). (“[A] district court has discretion to  
18 remand to state court a removed case involving pendent claims upon a proper  
19 determination that retaining jurisdiction over the case would be inappropriate.”). In  
20 deciding whether to exercise supplemental jurisdiction or to remand a case where only  
21 state law claims remain, a court must consider the values of “judicial economy,  
22 convenience, fairness, and comity.” *Id.* at 350.

23 Here, the court finds it appropriate to exercise its discretion to decline  
24 supplemental jurisdiction and to remand the case to state court. *See Molina*, 2019 WL  
25 121194, at \*3 (remanding a case under similar facts). The First Amended Complaint  
26 includes no claims over which the Court has original jurisdiction. (*See* First Amended  
27 Complaint). Returning this purely state-law action to state court at this early stage of  
28 litigation would serve judicial economy, convenience, fairness and comity. *Fletcher*

1 *v. Solomon, No. C-06-05492 RMW*, 2006 WL 3290399, at \*4 (N.D. Cal. Nov. 13,  
2 2006).

3 **III. CONCLUSION**

4 The Court GRANTS Plaintiff's Motion for Leave to File an Amended  
5 Complaint and accepts the Proposed FAC as the First Amended Complaint. Because  
6 the First Amended Complaint contains only state law claims, the Court exercises its  
7 discretion to decline supplemental jurisdiction. The Court therefore REMANDS the  
8 case to the Superior Court of California, Los Angeles County.

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10 **IT IS SO ORDERED.**

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12 Dated: October 1, 2024



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14 HON. WESLEY L. HSU  
15 UNITED STATES DISTRICT JUDGE  
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